

1 registry; providing for expiration of specified
2 transitional provisions; providing for
3 provision of current registry information to
4 the Florida Coalition on Donation; amending s.
5 765.516, F.S.; authorizing revocation of
6 anatomical gift by a donor through removal of
7 his or her name from the donor registry;
8 amending s. 765.517, F.S.; revising provisions
9 relating to verification of a donor's consent
10 at death; creating s. 765.5201, F.S.; providing
11 legislative findings concerning the Florida
12 Coalition on Donation; providing for
13 application of public meetings requirements to
14 certain meetings of the coalition; amending s.
15 765.521, F.S.; revising provisions relating to
16 authorization of donations as a part of the
17 driver license or identification card process;
18 amending s. 765.5215, F.S.; revising provisions
19 relating to anatomical gift education programs;
20 amending s. 765.52155, F.S.; redesignating the
21 Florida Organ and Tissue Donor Education and
22 Procurement Trust Fund as the Florida Organ and
23 Tissue Procurement Trust Fund; repealing s.
24 765.5216, F.S., relating to the organ and
25 tissue donor education panel; amending s.
26 765.522, F.S.; revising duties of hospital
27 administrators at or near the time of death of
28 persons who are suitable candidates for organ
29 or tissue donation; providing specified
30 immunity to the Florida Coalition on Donation;
31 revising authority for designation of organ

1 procurement organizations; amending s. 765.544,
2 F.S.; revising provisions relating to the use
3 of the Florida Organ and Tissue Procurement
4 Trust Fund; providing for use of specified
5 funds for certain transitional and notification
6 purposes; providing for expiration of specified
7 provisions; amending s. 215.20, F.S.;
8 conforming provisions to the redesignation of
9 the Florida Organ and Tissue Donor Education
10 and Procurement Trust Fund as the Florida Organ
11 and Tissue Procurement Trust Fund; amending ss.
12 320.08047 and 322.08, F.S.; revising
13 distribution of specified voluntary
14 contributions for organ and tissue donor
15 education; providing an effective date.
16

17 Be It Enacted by the Legislature of the State of Florida:
18

19 Section 1. (1) The Legislature finds that:

20 (a) There exists in the state a shortage of organ and
21 tissue donors to provide the organs and tissue that could save
22 lives or enhance the quality of life for many Floridians.

23 (b) There is a need to encourage the various minority
24 populations of Florida to donate organs and tissue.

25 (c) An enhanced program of donor education coupled
26 with an online registration process developed and implemented
27 by a private not-for-profit entity in cooperation with the
28 Department of Highway Safety and Motor Vehicles that will
29 report its results to the Agency for Health Care
30 Administration and the Legislature will lead to an increase in
31 the number of organ and tissue donors registered in Florida.

1 (d) The Florida Coalition on Donation has been
2 established as a not-for-profit entity by the Florida organ
3 procurement organizations designated by the United States
4 Department of Health and Human Services and Florida tissue
5 banks and eye banks, all certified by the Agency for Health
6 Care Administration.

7 (2) It is the intent of the Legislature that the funds
8 collected pursuant to ss. 320.08047 and 322.08(6)(b), Florida
9 Statutes, be used to maintain the donor registry and for
10 educational purposes aimed at increasing the number of organ
11 and tissue donors, thus affording more Floridians who are
12 awaiting organ or tissue transplants the opportunity for a
13 full and productive life.

14 Section 2. Subsections (4) and (5) of section 765.511,
15 Florida Statutes, are renumbered as subsections (5) and (6),
16 respectively, and a new subsection (4) is added to that
17 section to read:

18 765.511 Definitions.--As used in this part, the term:

19 (4) "Florida Coalition on Donation" or "coalition"
20 means the Florida Coalition on Donation, Inc., a
21 not-for-profit corporation.

22 Section 3. Subsections (2) and (3) of section 765.512,
23 Florida Statutes, are amended to read:

24 765.512 Persons who may make an anatomical gift.--

25 (2) If the decedent has executed an agreement
26 concerning an anatomical gift, by signing an organ and tissue
27 donor card, by joining the organ donor registry, by expressing
28 his or her wish to donate in a living will or advance
29 directive, or by signifying his or her intent to donate on his
30 or her driver's license or identification card or in some
31 other written form has indicated his or her wish to make an

1 anatomical gift, and in the absence of actual notice of
2 contrary indications by the decedent, the document is evidence
3 of legally sufficient informed consent to donate an anatomical
4 gift and is legally binding. If an unemancipated minor
5 designates his or her intent to donate on his or her driver's
6 license or identification card, the designation shall have the
7 same effect as if it had been made by an adult once he or she
8 attains the age of majority. Any surrogate designated by the
9 decedent pursuant to part II of this chapter may give all or
10 any part of the decedent's body for any purpose specified in
11 s. 765.510.

12 (3) If the decedent has not executed an agreement
13 concerning an anatomical gift, is not included in the donor
14 registry, or has not designated a surrogate pursuant to part
15 II of this chapter to make an anatomical gift pursuant to the
16 conditions of subsection (2), a member of one of the classes
17 of persons listed below, in the order of priority stated and
18 in the absence of actual notice of contrary indications by the
19 decedent or actual notice of opposition by a member of the
20 same or a prior class, may give all or any part of the
21 decedent's body for any purpose specified in s. 765.510:

- 22 (a) The spouse of the decedent;
23 (b) An adult son or daughter of the decedent;
24 (c) Either parent of the decedent;
25 (d) An adult brother or sister of the decedent;
26 (e) A grandparent of the decedent;
27 (f) A guardian of the person of the decedent at the
28 time of his or her death; or
29 (g) A representative ad litem who shall be appointed
30 by a court of competent jurisdiction forthwith upon a petition
31 heard ex parte filed by any person, which representative ad

1 litem shall ascertain that no person of higher priority exists
2 who objects to the gift of all or any part of the decedent's
3 body and that no evidence exists of the decedent's having made
4 a communication expressing a desire that his or her body or
5 body parts not be donated upon death;

6
7 but no gift shall be made by the spouse if any adult son or
8 daughter objects, and provided that those of higher priority,
9 if they are reasonably available, have been contacted and made
10 aware of the proposed gift, and further provided that a
11 reasonable search is made to show that there would have been
12 no objection on religious grounds by the decedent.

13 Section 4. Section 765.514, Florida Statutes, is
14 amended to read:

15 765.514 Manner of executing anatomical gifts.--

16 (1) A gift of all or part of the body under s.
17 765.512(1) may be made by:

18 (a) A statement or symbol indicating that the donor
19 has made an anatomical gift that he or she has authorized to
20 be imprinted on his or her driver's license or identification
21 card. Revocation, suspension, expiration, or cancellation of a
22 driver's license or identification card upon which an
23 anatomical gift is indicated does not invalidate the gift.

24 (b) A statement indicating that the donor has made an
25 anatomical gift that he or she has authorized to be included
26 on the donor registry. Individuals may make such an
27 authorization through online access to the donor registry. The
28 Department of Highway Safety and Motor Vehicles shall adopt
29 rules to provide for verification of the identity of such
30 individuals in a manner similar to the verification of
31 identity for online drivers license renewal.

1 for the purpose of transplantation, therapy, medical research,
2 or education;

3 (c) my body for anatomical study if needed.

4 Limitations or special wishes, if any:

5 ...(If applicable, list specific donee)...[This must be
6 arranged in advance with the donee.]

7
8 Signed by the donor and the following witnesses in the
9 presence of each other:

10

11 ...(Signature of donor)... ...(Date of birth of donor)...

12 ...(Date signed)... ...(City and State)...

13

14 ...(Witness)... ...(Witness)...

15 ...(Address)... ...(Address)...

16

17 ~~(2)~~~~(3)~~ The gift may be made to a donee specified by
18 name. If the donee is not specified by name, the gift may be
19 accepted by the attending physician as donee upon or following
20 the donor's death. If the gift is made to a specified donee
21 who is not available at the time and place of death, the
22 attending physician may accept the gift as donee upon or
23 following death in the absence of any expressed indication
24 that the donor desired otherwise. However, the Legislature
25 declares that the public policy of this state prohibits
26 restrictions on the possible recipients of an anatomical gift
27 on the basis of race, color, religion, sex, national origin,
28 age, physical handicap, health status, marital status, or
29 economic status, and such restrictions are hereby declared
30 void and unenforceable. The physician who becomes a donee

31

1 under this subsection shall not participate in the procedures
2 for removing or transplanting a part.

3 ~~(3)(4)~~ Notwithstanding s. 765.517(2), the donor may
4 designate in his or her will or other document of gift the
5 surgeon or physician to carry out the appropriate procedures.
6 In the absence of a designation or if the designee is not
7 available, the donee or other person authorized to accept the
8 gift may employ or authorize any surgeon or physician for the
9 purpose.

10 ~~(4)(5)~~ Any gift by a member of a class designated in
11 s. 765.512(3) must be made by a document signed by that person
12 or made by that person's witnessed telephonic discussion,
13 telegraphic message, or other recorded message.

14 Section 5. Section 765.515, Florida Statutes, is
15 amended to read:

16 765.515 Delivery of document; organ and tissue donor
17 registry.--

18 (1) If a gift is made pursuant to ~~through the program~~
19 ~~established by the Agency for Health Care Administration and~~
20 ~~the Department of Highway Safety and Motor Vehicles under the~~
21 ~~authority of s. 765.521, the completed donor registration card~~
22 shall be delivered to the Department of Highway Safety and
23 Motor Vehicles and processed as provided ~~in a manner specified~~
24 in subsection (4), but delivery is not necessary to the
25 validity of the gift. If the donor withdraws the gift, the
26 records of the Department of Highway Safety and Motor Vehicles
27 shall be updated to reflect such withdrawal and the department
28 shall communicate the withdrawal to the Florida Coalition on
29 Donation for the purpose of updating the donor registry.

30 (2) If a gift is not made pursuant to ~~through the~~
31 ~~program established by the Agency for Health Care~~

1 ~~Administration and the Department of Highway Safety and Motor~~
2 ~~Vehicles under the authority of s. 765.521 and is made by the~~
3 donor to a specified donee, the document, other than a will,
4 may be delivered to the donee to expedite the appropriate
5 procedures immediately after death, but delivery is not
6 necessary to the validity of the gift. Such document may be
7 deposited in any hospital, bank, storage facility, or registry
8 office that accepts such documents for safekeeping or for
9 facilitation of procedures after death.

10 (3) On the request of any interested party upon or
11 after the donor's death, the person in possession shall
12 produce the document for examination.

13 (4)(a) ~~The Florida Coalition on Donation The Agency~~
14 ~~for Health Care Administration and the Department of Highway~~
15 ~~Safety and Motor Vehicles shall maintain develop and implement~~
16 an organ and tissue donor registry that ~~which~~ shall record,
17 through electronic means, organ and tissue donation records
18 ~~documents~~ submitted through the driver license identification
19 program or through ~~by~~ other sources. The registry shall be
20 maintained in a manner that ~~which~~ will allow, through
21 electronic and telephonic methods, immediate access to organ
22 and tissue donation records ~~documents~~ 24 hours a day, 7 days a
23 week. ~~Hospitals,~~ Organ, and tissue, and eye procurement
24 agencies that are certified by the Agency for Health Care
25 Administration to obtain consent for donation and to screen
26 potential organ and tissue donors, the Florida Coalition on
27 Donation, the Department of Highway Safety and Motor Vehicles,
28 and other parties identified by the agency by rule shall be
29 allowed access through coded means to the information stored
30 in the registry. Both the coalition and the Department of
31

1 Highway Safety and Motor Vehicles shall have administrative
2 responsibilities for the registry.

3 (b) The coalition shall submit an annual written
4 report to the Legislature that includes all of the following:

5 1. The number of donors on the registry.

6 2. The changes in the number of donors on the
7 registry.

8 3. The general characteristics of donors as may be
9 determined from registry information submitted directly by the
10 donors or by the Department of Highway Safety and Motor
11 Vehicles.

12 (c) Upon request by the Department of Highway Safety
13 and Motor Vehicles, the coalition will provide the department
14 with a list of the names of individuals who joined the donor
15 registry online. This list shall be used to confirm that the
16 identities of all such individuals were verified through the
17 process authorized in s. 765.514(1)(b).

18 (d) The coalition may receive voluntary contributions
19 to support its activities and the registry.

20 (e)1. Costs for the orderly transition of the organ
21 and tissue donor registry from the Agency for Health Care
22 Administration to the coalition and for the notification of
23 potential donors of the changes to the registration process
24 shall be paid from the Florida Organ and Tissue ~~Donor~~
25 ~~Education and Procurement Trust Fund~~ created by s. 765.52155.

26 2. Except as provided in subparagraph 1., costs for
27 maintaining the organ and tissue donor registry shall be paid
28 from funds collected pursuant to ss. 320.08047 and
29 322.08(6)(b) and from any other funds available to the
30 coalition for this purpose. ~~Funds deposited into the Florida~~
31 ~~Organ and Tissue Donor Education and Procurement Trust Fund~~

1 ~~shall be utilized by the Agency for Health Care Administration~~
2 ~~for maintaining the organ and tissue donor registry and for~~
3 ~~organ and tissue donor education.~~

4 Section 6. At the time of implementation of the
5 amendments concerning the organ and tissue donor registry in
6 s. 765.515(4), Florida Statutes, made by this act, the Florida
7 Coalition on Donation shall assume responsibility for all
8 aspects of the donor registry and the Agency for Health Care
9 Administration shall provide the coalition with the current
10 registry information, including donor registration documents,
11 for all previously registered donors.

12 Section 7. Section 765.515(4)(e)1., Florida Statutes,
13 as amended by this act, shall expire upon completion of the
14 transition of the organ and tissue donor registry from the
15 Agency for Health Care Administration to the Florida Coalition
16 on Donation and the notification of potential donors of the
17 changes to the registration process.

18 Section 8. Paragraph (e) is added to subsection (1) of
19 section 765.516, Florida Statutes, to read:

20 765.516 Amendment of the terms of or the revocation of
21 the gift.--

22 (1) A donor may amend the terms of or revoke an
23 anatomical gift by:

24 (e) Removal of his or her own name from the donor
25 registry.

26 Section 9. Subsection (3) of section 765.517, Florida
27 Statutes, is amended to read:

28 765.517 Rights and duties at death.--

29 (3) The organ procurement organization, tissue bank,
30 or eye bank, or hospital medical professionals under the
31 direction thereof, may perform any and all tests to evaluate

1 the deceased as a potential donor and any invasive procedures
2 on the deceased body in order to preserve the potential
3 donor's organs. These procedures do not include the surgical
4 removal of an organ or penetrating any body cavity,
5 specifically for the purpose of donation, until:

6 (a) It has been verified that the deceased's consent
7 to donate appears in the donor registry or until a properly
8 executed donor card or document is located; or

9 (b) If a properly executed donor card or document
10 cannot be located and the deceased's consent is not listed on
11 the donor registry, until a person specified in s. 765.512(3)
12 has been located, has been notified of the death, and has
13 granted legal permission for the donation.

14 Section 10. Section 765.5201, Florida Statutes, is
15 created to read:

16 765.5201 Meetings of the Florida Coalition on
17 Donation.--

18 (1)(a) The Legislature finds that the Florida
19 Coalition on Donation, a private not-for-profit corporation
20 whose members provided organ and tissue donor education to the
21 citizens of Florida prior to assumption of responsibility for
22 donor education pursuant to s. 765.5215, does not perform a
23 public function when preparing general organ and tissue donor
24 education programs.

25 (b) The Legislature has delegated the following public
26 purposes to the coalition:

27 1. Operating and maintaining the organ and tissue
28 donor registry.

29 2. Developing and implementing, along with the
30 Department of Highway Safety and Motor Vehicles, a program to
31 allow individuals to make anatomical gifts through the process

1 of issuing and renewing driver licenses and identification
2 cards.3. Developing a program to educate state and local
3 government employees, including law enforcement agencies and
4 officers, concerning anatomical gifts.

5 (2) Any meetings of the governing board of the
6 coalition discussing any of these public purposes, as well as
7 meetings discussing the expenditure of dollars obtained
8 pursuant to ss. 320.08047 and 322.08(6)(b), must remain open
9 to the public in accordance with s. 286.011 and s. 24(b), Art.
10 I of the State Constitution, unless made confidential or
11 exempt by law. Other meetings of the governing board of the
12 coalition are not subject to s. 286.011 or s. 24(b), Art. I of
13 the State Constitution.

14 Section 11. Section 765.521, Florida Statutes, is
15 amended to read:

16 765.521 Donations as part of driver license or
17 identification card process.--

18 (1) ~~The Agency for Health Care Administration and the~~
19 ~~Department of Highway Safety and Motor Vehicles~~ and the
20 Florida Coalition on Donation shall develop and implement a
21 program encouraging and allowing persons to make anatomical
22 gifts as a part of the process of issuing identification cards
23 and issuing and renewing driver licenses. The donor
24 registration card distributed by the Department of Highway
25 Safety and Motor Vehicles shall include the material specified
26 by s. 765.514(1)(d)2. ~~(2)(b)~~ and may require such additional
27 information, and include such additional material, as may be
28 deemed necessary by that department. The Department of Highway
29 Safety and Motor Vehicles shall also develop and implement a
30 program to identify donors, which program shall include
31 notations on identification cards, driver licenses, and driver

1 records or such other methods as the department may develop.
2 This program shall include, after an individual has completed
3 a donor registration card, making a notation on the front of
4 the driver license or identification card that clearly
5 indicates the individual's intent to donate the individual's
6 organs or tissue. A notation on an individual's driver license
7 or identification card that the individual intends to donate
8 organs or tissues is deemed sufficient to satisfy all
9 requirements for consent to organ or tissue donation. The
10 ~~coalition Agency for Health Care Administration~~ shall provide
11 the necessary supplies and forms through funds collected under
12 ss. 320.08047 and 322.08(6)(b) ~~appropriated from general~~
13 ~~revenue~~ or contributions from interested voluntary, nonprofit
14 organizations. The Department of Highway Safety and Motor
15 Vehicles shall provide the necessary recordkeeping system
16 through funds appropriated from general revenue. The
17 Department of Highway Safety and Motor Vehicles and the
18 ~~coalition Agency for Health Care Administration~~ shall incur no
19 liability in connection with the performance of any acts
20 authorized herein.

21 (2) The Department of Highway Safety and Motor
22 Vehicles, ~~after consultation with and concurrence by the~~
23 ~~Agency for Health Care Administration,~~ shall adopt rules to
24 implement ~~the provisions of this section~~ pursuant according to
25 ss. 120.536(1) and 120.54 ~~the provisions of chapter 120.~~

26 ~~(3) Funds expended by the Agency for Health Care~~
27 ~~Administration to carry out the intent of this section shall~~
28 ~~not be taken from any funds appropriated for patient care.~~

29 Section 12. Section 765.5215, Florida Statutes, is
30 amended to read:
31

1 765.5215 Education program relating to anatomical
2 gifts.--

3 (1) The Florida Coalition on Donation has established,
4 and continues to develop, a program to educate the citizens of
5 Florida, including medical professionals, students, and
6 minority communities, regarding the laws of this state
7 relating to anatomical gifts and the need for anatomical
8 gifts. ~~The Agency for Health Care Administration,~~ Subject to
9 the concurrence of the Department of Highway Safety and Motor
10 Vehicles, the coalition shall expand this program by
11 developing ~~develop~~ a continuing program to educate and inform
12 ~~medical professionals, law enforcement agencies and officers,~~
13 ~~high school children,~~ state and local government employees,
14 including law enforcement agencies and officers, and the
15 ~~public~~ regarding the laws of this state relating to anatomical
16 gifts and the need for anatomical gifts.

17 ~~(2)(1)~~ The program is to be implemented with ~~the~~
18 ~~assistance of the organ and tissue donor education panel as~~
19 ~~provided in s. 765.5216 and with the funds collected under ss.~~
20 320.08047 and 322.08(6)(b) and any other funds available to
21 the coalition for the purpose of education. Existing community
22 resources, when available, must be used to support the
23 program, and volunteers may assist the program to the maximum
24 extent possible. ~~The Agency for Health Care Administration may~~
25 ~~contract for the provision of all or any portion of the~~
26 ~~program. When awarding such contract, the agency shall give~~
27 ~~priority to existing nonprofit groups that are located within~~
28 ~~the community, including within the minority communities~~
29 ~~specified in subsection (2).~~ The program aimed at educating
30 medical professionals may be implemented by contract with one
31 or more medical schools located in the state.

1 ~~(2) The Legislature finds that particular difficulties~~
2 ~~exist in making members of the various minority communities~~
3 ~~within the state aware of laws relating to anatomical gifts~~
4 ~~and the need for anatomical gifts. Therefore, the program~~
5 ~~shall include, as a demonstration project, activities~~
6 ~~especially targeted at providing such information to the~~
7 ~~nonwhite, Hispanic, and Caribbean populations of the state.~~

8 (3) The coalition ~~Agency for Health Care~~
9 ~~Administration~~ shall, no later than March 1 of each year,
10 submit a report to the Legislature containing statistical data
11 on the effectiveness of the program in procuring donor organs
12 ~~and the effect of the program on state spending for health~~
13 ~~care.~~

14 (4) The coalition ~~Agency for Health Care~~
15 ~~Administration, for the sole purpose of furthering in~~
16 ~~furtherance of~~ its educational responsibilities regarding
17 organ and tissue donation, shall have access to the buildings
18 and workplace areas of all state agencies and political
19 subdivisions of the state.

20 Section 13. Section 765.52155, Florida Statutes, is
21 amended to read:

22 765.52155 Florida Organ and Tissue ~~Donor Education and~~
23 Procurement Trust Fund.--The Florida Organ and Tissue ~~Donor~~
24 ~~Education and~~ Procurement Trust Fund is ~~hereby~~ created, to be
25 administered by the Agency for Health Care Administration.
26 Funds shall be credited to the trust fund as provided for in
27 general law.

28 Section 14. Section 765.5216, Florida Statutes, is
29 repealed.

30 Section 15. Subsections (2), (5), and (6) of section
31 765.522, Florida Statutes, are amended to read:

1 765.522 Duty of certain hospital administrators;
2 liability of hospital administrators, organ procurement
3 organizations, eye banks, and tissue banks.--

4 (2) Where, based on accepted medical standards, a
5 hospital patient is a suitable candidate for organ or tissue
6 donation, the hospital administrator or the hospital
7 administrator's designee shall, at or near the time of death,
8 notify the appropriate organ, tissue, or eye recovery program,
9 which shall access the organ and tissue donor registry created
10 by s. 765.515(4) to ascertain the existence of a donor card or
11 document executed by the decedent. In the absence of a donor
12 card, organ donation sticker or organ donation imprint on a
13 driver's license, or other properly executed document, the
14 organ, tissue, or eye recovery program ~~hospital administrator~~
15 ~~or designee~~ shall request:

16 (a) The patient's health care surrogate, as permitted
17 in s. 765.512(2); or

18 (b) If the patient does not have a surrogate, or the
19 surrogate is not reasonably available, any of the persons
20 specified in s. 765.512(3), in the order and manner of
21 priority stated in s. 765.512(3),

22
23 to consent to the gift of all or any part of the decedent's
24 body for any purpose specified in this part. Except as
25 provided in s. 765.512, in the absence of actual notice of
26 opposition, consent need only be obtained from the person or
27 persons in the highest priority class reasonably available.

28 (5) There shall be no civil or criminal liability
29 against any organ procurement organization, eye bank, or
30 tissue bank certified under s. 765.542, ~~or~~ against any
31 hospital or hospital administrator or designee, or against the

1 Florida Coalition on Donation, when complying with the
2 provisions of this part and the rules of the Agency for Health
3 Care Administration or when, in the exercise of reasonable
4 care, a request for organ donation is inappropriate and the
5 gift is not made according to this part and the rules of the
6 Agency for Health Care Administration.

7 (6) The hospital administrator or a designee shall, at
8 or near the time of death of a potential organ donor, directly
9 notify the affiliated ~~Health Care Financing Administration~~
10 ~~designated~~ organ procurement organization designated as such
11 by the United States Department of Health and Human Services
12 of the potential organ donor. This organ procurement
13 organization must offer any organ from such a donor first to
14 patients on a Florida-based local or state organ sharing
15 transplant list. For the purpose of this subsection, the term
16 "transplant list" includes certain categories of national or
17 regional organ sharing for patients of exceptional need or
18 exceptional match, as approved or mandated by the United
19 Network for Organ Sharing. This notification must not be made
20 to a tissue bank or eye bank in lieu of the organ procurement
21 organization unless the tissue bank or eye bank is also a
22 ~~Health Care Financing Administration~~ designated as an organ
23 procurement organization by the United States Department of
24 Health and Human Services.

25 Section 16. Section 765.544, Florida Statutes, is
26 amended to read:

27 765.544 Fees; Florida Organ and Tissue ~~Donor Education~~
28 ~~and~~ Procurement Trust Fund.--

29 (1) The Agency for Health Care Administration shall
30 collect an initial application fee of \$1,000 from organ
31 procurement organizations and tissue banks and \$500 from eye

1 banks. The fee must be submitted with each application for
2 initial certification and is nonrefundable.

3 (2) The Agency for Health Care Administration shall
4 assess annual fees to be used, in the following order of
5 priority, for the certification program and, the advisory
6 board, ~~maintenance of the organ and tissue donor registry, and~~
7 ~~the organ and tissue donor education program~~ in the following
8 amounts, which may not exceed \$35,000 per organization:

9 (a) Each general organ procurement organization shall
10 pay the greater of \$1,000 or 0.25 percent of its total
11 revenues produced from procurement activity in this state by
12 the certificateholder during its most recently completed
13 fiscal year or operational year.

14 (b) Each bone and tissue procurement agency or bone
15 and tissue bank shall pay the greater of \$1,000 or 0.25
16 percent of its total revenues from procurement and processing
17 activity in this state by the certificateholder during its
18 most recently completed fiscal year or operational year.

19 (c) Each eye bank shall pay the greater of \$500 or
20 0.25 percent of its total revenues produced from procurement
21 activity in this state by the certificateholder during its
22 most recently completed fiscal year or operational year.

23 (3) The Agency for Health Care Administration shall
24 provide by rule for administrative penalties for the purpose
25 of ensuring adherence to the standards of quality and practice
26 required by this chapter and rules of the agency for continued
27 certification.

28 (4)(a) Proceeds from fees, administrative penalties,
29 and surcharges collected pursuant to subsections (2) and (3)
30 must be deposited into the Florida Organ and Tissue ~~Donor~~
31 ~~Education and~~ Procurement Trust Fund created by s. 765.52155.

1 (b) Moneys deposited in the trust fund pursuant to
2 this section must be used exclusively for the implementation,
3 administration, and operation of the certification program and
4 the advisory board, ~~for maintaining the organ and tissue donor~~
5 ~~registry, and for organ and tissue donor education.~~

6 (5) As used in this section, the term "procurement
7 activity in this state" includes the bringing into this state
8 for processing, storage, distribution, or transplantation of
9 organs or tissues that are initially procured in another state
10 or country.

11 Section 17. In addition to uses of funds provided for
12 in s. 765.544(2) and (4)(b), Florida Statutes, funds governed
13 by those provisions shall be used for the orderly transition
14 of the organ and tissue donor registry from the Agency for
15 Health Care Administration to the Florida Coalition on
16 Donation and notification to potential donors of the changes
17 in the registration process. This section shall expire upon
18 completion of the transition of the organ and tissue donor
19 registry from the Agency for Health Care Administration to the
20 Florida Coalition on Donation and the notification of
21 potential donors of the changes to the registration process.

22 Section 18. Paragraph (a) of subsection (4) of section
23 215.20, Florida Statutes, is amended to read:

24 215.20 Certain income and certain trust funds to
25 contribute to the General Revenue Fund.--

26 (4) The income of a revenue nature deposited in the
27 following described trust funds, by whatever name designated,
28 is that from which the appropriations authorized by subsection
29 (3) shall be made:

30 (a) Within the Agency for Health Care Administration:
31

1 1. The Florida Organ and Tissue ~~Donor Education and~~
2 Procurement Trust Fund.

3 2. The Health Care Trust Fund.

4 3. The Resident Protection Trust Fund.

5
6 The enumeration of the foregoing moneys or trust funds shall
7 not prohibit the applicability thereto of s. 215.24 should the
8 Governor determine that for the reasons mentioned in s. 215.24
9 the money or trust funds should be exempt herefrom, as it is
10 the purpose of this law to exempt income from its force and
11 effect when, by the operation of this law, federal matching
12 funds or contributions or private grants to any trust fund
13 would be lost to the state.

14 Section 19. Section 320.08047, Florida Statutes, is
15 amended to read:

16 320.08047 Voluntary contribution for organ and tissue
17 donor education.--As a part of the collection process for
18 license taxes as specified in s. 320.08, individuals shall be
19 permitted to make a voluntary contribution of \$1, which
20 contribution shall be distributed to the Florida Coalition on
21 Donation ~~deposited into the Florida Organ and Tissue Donor~~
22 ~~Education and Procurement Trust Fund~~ for organ and tissue
23 donor education and for maintaining the organ and tissue donor
24 registry.

25 Section 20. Subsection (6) of section 322.08, Florida
26 Statutes, is amended to read:

27 322.08 Application for license.--

28 (6) The application form for a driver's license or
29 duplicate thereof shall include language permitting the
30 following:
31

1 (a) A voluntary contribution of \$5 per applicant,
2 which contribution shall be transferred into the Election
3 Campaign Financing Trust Fund.

4 (b) A voluntary contribution of \$1 per applicant,
5 which contribution shall be distributed to the Florida
6 Coalition on Donation ~~deposited into the Florida Organ and~~
7 ~~Tissue Donor Education and Procurement Trust Fund~~ for organ
8 and tissue donor education and for maintaining the organ and
9 tissue donor registry.

10 (c) A voluntary contribution of \$1 per applicant,
11 which contribution shall be distributed to the Florida Council
12 of the Blind.

13 (d) A voluntary contribution of \$2 per applicant,
14 which shall be distributed to the Hearing Research Institute,
15 Incorporated.

16 (e) A voluntary contribution of \$1 per applicant,
17 which shall be distributed to the Juvenile Diabetes Foundation
18 International.

19 (f) A voluntary contribution of \$1 per applicant,
20 which shall be distributed to the Children's Hearing Help
21 Fund.

22
23 A statement providing an explanation of the purpose of the
24 trust funds shall also be included. For the purpose of
25 applying the service charge provided in s. 215.20,
26 contributions received under paragraphs (b), (c), (d), (e),
27 and (f) and under s. 322.18(9)(a) are not income of a revenue
28 nature.

29 Section 21. This act shall take effect July 1, 2007.
30
31